

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

SB CIVIL MISC. APPEAL NO.1723/2005
Nootan V/s Dhanna Ram & Ors.

Date of order : : 16.10.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Sunil Jain, for the appellant.
Mr.B.L. Dhaker, for the respondents.

This is an appeal filed by the injured appellant for enhancement of compensation against the award dated 16.3.2005 in MAC case No.5/2005 (77/97) passed by the MACT cum Additional District Judge, Beawar, Ajmer, whereby in all compensation of Rs.13,600/- has been awarded.

The facts, in brief, of the case are that on 2.9.1996 took place between Bus No.RJ-01-P-1767 which was going to Jodhpur and Bus No.RJ-01-P-0659 which was going to Ramdevra. As a result of which, the appellant sustained various injuries in the various parts of the body.

The submission of counsel for the appellant is that total amount of Rs.13,600/- awarded by the Claims Tribunal is on lower side on account of the fact that there was a fracture in metacarpal bone for which only

Rs.5,000/- has been awarded as compensation, which at least should have been Rs.15,000/-.

Counsel for the respondents submits that award is just, legal and proper as fracture in the aforesaid bone was of minor nature as would be evident from the medical bills of Rs.150/-, but still the Claims Tribunal had awarded Rs.500/- for medicines, Rs.5000/- for fracture and Rs.1000/- for one simple injury and Rs.2100/- for medical treatment and Rs.5000/- for physical pain and transportation. In all Rs.13,600/- has been awarded.

I have gone through the award of the Claims Tribunal and further considered the rival submissions of counsel for the parties.

The medical bills of Rs.150/- has been claimed from which, it appears that fracture was of minor nature, for minor fracture Rs.5000/- has been rightly awarded. The Claims Tribunal not only awarded Rs.500/- for medicines and has further awarded Rs.2100/- for 7 day's treatment.

In view of above, I am of the view that the Claims Tribunal has not committed any kind of error in assessing the compensation. The award is just, legal and proper.

The appeal fails and is dismissed.

(P.S. ASOPA) J.

ummed/-